

Remarks

Claims 21-32 are pending in the application.

Claims 21-32 are rejected under 35 U.S.C. §102(b) as being anticipated by Alexander et al. (U.S. Pat. No. 6,177,931, hereinafter "Alexander").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the

original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 102

Claims 21-32 are rejected under 35 U.S.C. §102(b) as being anticipated by Alexander. The rejection is respectfully traversed.

As a preliminary matter Applicants note that the Examiner's reference to Alexander as "applicant's admitted prior art" appears to be a typographical error (see Office Action, page 2). If the Examiner believes otherwise Applicants respectfully request the Examiner to provide rationale for why the Examiner considers Alexander to be Applicants' admitted prior art.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, as arranged in the claim. Alexander fails to disclose each and every element of the claimed invention, as arranged in independent claim 21. Specifically, Alexander fails to teach or suggest at least the element of "providing, in response to the detection of a channel change event, a content recommendation," as recited in Applicants' independent claim 21.

The Examiner asserts that Alexander discloses monitoring of the channel change event and provisioning of the recommended content based on channel change data for a particular user, and thus, that Alexander discloses the above named element of Applicants' claim 23 (see Office Action, page 2). Applicants respectfully disagree.

Alexander discloses that EPG (electronic programming guide) may record viewer's various actions, including channel change events, to collect the viewer profile information. Alexander further discloses that such information may later be analyzed to determine viewer preferences, to customize EPG for the viewer, and to provide advertisement customized to the viewer. However, Alexander does not teach providing the content recommendation in response to viewer's change of a channel.

As disclosed and claimed by Applicants, after a viewer attempts to change a channel, but before the newly selected channel is displayed to the viewer, the viewer is provided with a content recommendation (see paragraph [0020], [0037]). For example, in the illustrative embodiment of Applicants' Fig. 1, when a viewer attempts to change a

channel, the viewer is provided with a list of alternative programs for possible viewing before going to the next channel. The viewer may choose to view any of the recommended programs or decline the recommendations and view the initially chosen channel. This is different from the Alexander reference, which merely discloses that data regarding a channel change may be collected with other data about viewer's actions and that statistics collected about a particular viewer may be used to populate record or watch list programs of a viewer. Accordingly, independent claim 21 is not anticipated by Alexander and is allowable under 35 U.S.C. §102.

Independent claim 30 recites relevant limitations similar to those recited in independent claim 21. As such, for at least the same reasons discussed above, independent claim 30 also is not anticipated by Alexander and is allowable under 35 U.S.C. §102.

Alexander also fails to disclose each and every element of the claimed invention, as arranged in independent claim 24. Specifically, Alexander fails to teach or suggest at least the element of "based on the content viewed by the plurality of users, generating the user perceptible indicator of content, wherein the generating occurs at a change in system state," as recited in Applicants' independent claim 24.

The Examiner relies on the following portion of Alexander in the argument that Alexander anticipates the above named element of Applicants' claim 24:

The viewer profile analysis program (the "Profile Program"), may be resident at the head end, in the Internet, included as part of the EPG, or distributed among these various possible locations. The Profile Program performs a variety of different types of analysis on the viewer profile data. For instance, the Profile Program performs simple statistical analysis of the data collected. The Profile Program accumulates, among other things, the number of times that the viewer: interacted with the EPG during a particular viewing session; performed particular types of interactions with the EPG; watched a particular channel; interacted with the Internet during a particular viewing session, interacted with a particular website; watched and/or recorded and/or scheduled to watch a program with a particular type of theme (e.g., comedy, sports, drama, movie, sitcom, science fiction, adventure, mystery, documentary, cooking, travel, etc.); and watched and/or recorded and/or scheduled to watch a program with a particular type of subject (e.g., golf, tennis, football, basketball, baseball, animals, food, etc.), or a particular actor or actress. The Profile Program also calculates the duration of each viewing and compiles, among other things, statistics about the times of day and days of the week during which the

viewer watches television, interacts with the EPG, or interacts with the Internet or the World Wide Web. (Alexander, col. 29, lines 31-55).

This portion of Alexander describes types of data collected and analyzed by the Profile Program for a single viewer. However, nowhere in this portion does Alexander mention or consider: (1) plurality of users; (2) generating perceptible indicator of content; (3) that the perceptible indicator of content is generated based on the content viewed by the plurality of users; or (4) that the perceptible indicator of content is generated at a change in system state. The Profile Program of Alexander or what it does is entirely different from the Applicants' claimed invention. Accordingly, Alexander fails to teach or suggest each and every element of Applicants claim 24.

Independent claim 31 recites relevant limitations similar to those recited in independent claim 24. As such, for at least the same reasons discussed above, independent claim 31 also is not anticipated by Alexander and is allowable under 35 U.S.C. §102.

Because all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Alexander.

Therefore, the Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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